

MINUTES  
MALIBU CITY COUNCIL  
SPECIAL MEETING  
DECEMBER 15, 2003  
COUNCIL CHAMBERS  
1:00 P.M.

**CALL TO ORDER**

Mayor Kearsley called the meeting to order at 1:02 p.m.

**ROLL CALL**

The following persons were recorded in attendance by the Recording Secretary:

PRESENT: Mayor Ken Kearsley, Mayor Pro Tem Sharon Barovsky, Councilmembers Joan House (via teleconference), Jeffrey Jennings and Andrew Stern.

ALSO PRESENT: Katie Lichtig, City Manager; Christi Hogin, City Attorney; Vic Peterson, Environmental and Community Development Director / Building Official; Michael Teruya, Planning Division Manager; and Lisa Pope, City Clerk.

**FLAG SALUTE**

Lloyd Ahern led the Pledge of Allegiance.

**APPROVAL OF AGENDA**

MOTION Councilmember Stern moved and Councilmember Jennings seconded a motion to approve the agenda. The motion carried unanimously.

**REPORT ON POSTING OF AGENDA**

City Clerk Pope reported that the agenda was properly posted on December 12, 2003. Councilmember House reported that the remote site was properly posted.

**ITEM 1 PUBLIC COMMENT**

None.

**ITEM 2 NEW BUSINESS**

- A. Removal of Planning Commissioners  
Each Planning Commissioner serves at the pleasure of the City Councilmember that appointed him or her. This item permits each

Councilmember to remove the Planning Commissioner he or she appointed. Removal will be effective immediately. The item was placed on the agenda at the request of Councilmembers Stern and Barovsky.

Councilmember Stern explained that he had requested Planning Commissioner Robert Adler tender his resignation but Commissioner Alder refused. He stated he was removing Robert Adler from the Planning Commission.

Mayor Pro Tem Barovsky expressed appreciation to Ms. Roney for her work on the Planning Commission and stated it was a difficult decision to remove her from the Planning Commission. She stated she was removing Deirdre Roney from the Planning Commission. She also discussed an email circulating by Malibu Community Action Network (CAN) suggesting the Planning Commissioners' removal was "payback" regarding Measure M and stated that the email was absolutely untrue.

The Council agreed to hear late public comments that were submitted after the item had been called and discussed.

Ruby Fader deferred her time to Efrom Fader.

Efrom Fader discussed the Assistant City Attorney's advice at the December 1, 2003 Planning Commission meeting. He stated the Council had the right to ask any appointee to resign. He questioned the timing of the special meeting. He stated qualified volunteers would be discouraged from applying.

Councilmember Stern stated no one wanted to have the meeting. He reiterated that he had asked Bob Adler to resign and Commissioner Adler had refused.

City Attorney Hogin asked Mayor Pro Tem Barovsky and Councilmember Stern if the public comments heard had changed their decision on the matter.

Councilmember Stern and Mayor Pro Tem Barovsky indicated they had not.

B. Direct City Clerk to notice vacancies on the Planning Commission in accordance with applicable law

If a vacancy on the Planning Commission occurs due to the resignation or removal of one of its members, before a new member may be appointed, the City must post notice of vacancy for 10 days. Unless directed otherwise, staff will place an item on the City Council's next regular agenda to appoint new Planning Commissioners to fill the vacancies.

By acclamation, the Council directed the City Clerk to notice vacancies on the Planning Commission in accordance with applicable law.

City Attorney Hogin reported on the judgment in the case of Sweeney et al v. City of Malibu, Los Angeles County Superior Court Case No. SS011602. She stated the Court determined that there were no easements on the properties to the north and the matter was being remanded back to the City Council. She explained that based on the evidence of the new hearing, the Council could either grant or deny the application.

Councilmember House left the meeting at 1:21 p.m.

RECESS      The Council recessed to Closed Session at 1:21 p.m., with all Councilmembers present except Councilmember House.

### **ITEM 3      CLOSED SESSION**

The Council met in Closed Session to discuss the following items:

#### **Real Estate negotiation matters pursuant to Government Code Section 54956.8:**

1.      Property APN: 4458-018-002, 018, 019  
         City Negotiator: City Manager Lichtig or designee  
         Property Negotiator: Roy E. Crummer  
         Under Negotiation: Price and terms of payment

#### **Existing litigation per Government Code Section 54956.9 (a):**

1.      City of Malibu v. California Coastal Commission (Streisand Center Coastal Permit)  
         Los Angeles County Superior Court Case No. BC230410
2.      Malibu CAN v. City of Malibu (MBC Development Agreement)  
         Los Angeles County Superior Court Case No. BS083683

### **RECONVENED**

The Council reconvened into Open Session at 2:52 p.m.

### **CLOSED SESSION REPORT**

City Attorney Hogin reported that the Council discussed the items listed on the posted agenda and took no reportable action.

**ADJOURN**      The meeting adjourned at 2:53 p.m.

Approved and adopted by the City Council of  
the City of Malibu on January 12, 2004.

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KENNETH KEARSLEY, Mayor

ATTEST:

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LISA POPE, City Clerk  
(seal)